

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip G. Ashton-Rickardt
Joseph T. Opferman

Serial No.: 09/993,363

Filed: November 14, 2001

For: INDUCTION OF IMMUNITY USING
INHIBITORS OF GRANZYMES

Group Art Unit: 1633

Examiner: Wehbe, Anne Marie Sabrina

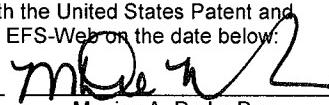
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37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

August 16, 2007
Date


Monica A. De La Paz

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants request a reconsideration of patent term adjustment under 37 C.F.R. §§1.705(b).

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) included with the Notice of Allowability and Issue Fee Transmittal dated July 16, 2007 indicates a patent term adjustment of 909 days.

On September 10, 2003, the U.S. Patent Office mailed an Office Action. This Office Action was vacated and a new Office Action was issued on October 20, 2003 with a new response time period. Applicants filed a Notice of Appeal on January 22, 2004. Applicants note that the PAIR

entries indicate an Applicant delay of 43 days from December 10, 2003 (three months after date of vacated Office Action) to January 22, 2004 (date of filing of Notice of Appeal). However, the calculation should be determined from the new Office Action mail date of October 20, 2003, since the response period was restarted. Therefore, Applicants request the delay to be changed to 2 days, January 20, 2004 (three months after date of new Office Action) to January 22, 2004 (date of filing of Notice of Appeal).

The U.S. Patent Office determined a PTO delay of 973 days based on the time period between the filing of the Notice of Appeal on January 22, 2004 and the Decision on Appeal resulting in a reversal on September 20, 2006. However, upon further review, it was determined there should be additional Applicant delay due to the filing of a defective Appeal Brief. Submission of a reply having an omission results in a reduction of days beginning on the day after the date the reply having an omission was filed (April 27, 2004) and ending on the date that the reply correcting the omission was filed (August 13, 2004). Therefore, there should be an additional reduction of 108 days for Applicant delay.

The U.S. Patent Office mailed a Restriction Requirement on November 12, 2002. Applicants responded on December 24, 2002 but later submitted a Substitute Response on January 14, 2003. A delay on the part of the Applicant of 21 days (period of time between December 24, 2002 and January 14, 2003) was correctly indicated in PAIR's calculations.

Applicants respectfully request an adjustment of the patent term from 909 days to 842 days, a reduction of 67 days.

In light of the errors made by the U.S. Patent Office described above, it is respectfully requested that the required fee in the amount of \$200.00 be waived in connection with the filing of this paper. If, however, it is determined a fee is due, the Commissioner is hereby authorized to

deduct any fees required under 37 C.F.R. §§ 1.16 to 1.21 in connection with the filing of this paper from Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:382US.

Respectfully submitted,



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